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1951.

File No. Extra-Prov. Juris II/51(N)

Legal Department
B **BRANCH**

Subject:— Notifications under the Extra Provincial Jurisdiction Act, 1947.

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File No. Extra-Pro-Juris II/51(N)

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Office of the R.L.A.

Under article 5(1) of the States Merger (Governor's Provinces) Order, 1949, the following two conditions are essential for any property to continue to be vested in the Dominion Government after the appointed day, that is to say, after the 1st August 1949, namely:-

(1) the property, before the appointed day, must be vested in the Dominion Government, and

(2) the purposes for which the property is held immediately before the appointed day must be Central purposes.

In this case, it appears that the post-office building at Chota Udaipur was constructed by the Chota Udaipur State and was merely rented to the Posts & Telegraph Department. Since the property was built out of the funds of the State and does not appear to have been at any time before the appointed day acquired by the Central Government, it cannot be said that it is vested in the Dominion Government immediately before the appointed day within the meaning of Article 5(1). The first condition not having been satisfied the property in question does not vest in the Central Government. It stands vested in the State Government as from the appointed day.

The view taken by the Chief Secretary in his note of the 10th October 1951 is correct.

Sd/-

Remembrancer of Legal Affairs.

U.O. to R. & E.L. No. 17098, dated the 26th October 1951.

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